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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/639,072	08/11/2003	Tai-Cheng Yu		6951

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EXAMINER

HAN, JASON

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/639,072	Applicant(s) YU ET AL.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 1-18 have been considered but are moot. Applicant has amended the independent claims to recite "an MxN array of continuous uniform prisms disposed on the light emitting surface", which was not reasonably expected by the examiner in the previous Non-Final Office Action.
2. However, the prior art of record is still considered commensurate to the scope of the claims. In response to applicant's argument that Kobayashi fails to anticipate an "MxN array of continuous uniform prisms", the examiner has broadly interpreted the claim where the above term is not defined in reciting specific values for "M" or "N".

The following claims have been rejected in light of the specification, but rendered the broadest interpretation construed by the examiner [MPEP 2111].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (U.S. Patent 5408388).

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4. With regards to Claim 1, Kobayashi discloses a planar illuminating device including:

- a light source [Figure 1: (3)]; and
- a light guide plate [Figure 1: (2)] having an incident surface [Figure 1: (2a)] for receiving light from the light source, a bottom surface [Figure 1: (22)], and a light emitting surface for emitting out the light [Figure 1: (21)], wherein the light emitting surface has an MxN array (# of columns/rows x 1) of continuous uniform prisms disposed on the light emitting surface.

5. With regards to Claim 2, Kobayashi discloses a plurality of diffusion dots [Figures 1-2: (22)] disposed on the bottom surface of the light guide plate. It should be noted that though Kobayashi refers to the above-identified element as reflecting spots, the spots clearly diffuse the light emitted from the sources. To corroborate, Merriam-Webster's Collegiate Dictionary [Tenth Edition] defines diffuse – v – 1a: to pour out and permit or cause to spread freely b: extend, scatter c: to spread thinly or wastefully.

6. With regards to Claim 4, Kobayashi discloses the light source [Figure 1: (3)] disposed at one side of the incident surface of the light guide plate [Figure 1: (2a)].

7. With regards to Claim 5, Kobayashi discloses the light guide plate [Figure 1: (2)] in the shape of a rectangle.

8. With regards to Claim 7, Kobayashi discloses the diffusion dots [Figures 1-2: (22)] being more densely distributed on the bottom surface as a distance away from the incident surface increases [as portrayed in Figure 2 from one edge towards the middle].

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9. With regards to Claim 8, Kobayashi discloses the diffusion dots [Figures 1-2: (22)] being distributed evenly all over the bottom surface. It should be noted that the limitation does make mention of the size of the dots, thus the reference clearly reads upon the limitation with respect to an even distribution all over the bottom surface. Such a configuration is a matter of design choice and is commonly known within the art.

10. Claims 9-10, 12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (U.S. Patent 5408388).

11. With regards to Claim 9, Kobayashi discloses a light guide plate [Figure 1: (2)] including:

- an incident surface [Figure 1: (2a)] for receiving light;
- a bottom surface [Figure 1: (22)]; and
- a light emitting surface for emitting light [Figure 1: (21)], wherein the light emitting surface light emitting surface has an MxN array (# of columns/rows x 1) of continuous uniform prisms disposed on the light emitting surface.

12. With regards to Claim 10, Kobayashi discloses a plurality of diffusion dots [Figures 1-2: (22)] disposed on the bottom surface of the light guide plate. It should be noted that though Kobayashi refers to the above-identified element as reflecting spots, the spots clearly diffuse the light emitted from the sources. To corroborate, Merriam-Webster's Collegiate Dictionary [Tenth Edition] defines diffuse – v – 1a: to pour out and permit or cause to spread freely; b: extend, scatter; c: to spread thinly or wastefully.

13. With regards to Claim 12, Kobayashi discloses the light guide plate [Figure 1: (2)] in the shape of a rectangle.

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14. With regards to Claim 14, Kobayashi discloses the diffusion dots [Figures 1-2: (22)] being more densely distributed on the bottom surface as a distance away from the incident surface increases [as portrayed in Figure 2 from one edge towards the middle].

15. With regards to Claim 15, Kobayashi discloses the diffusion dots [Figures 1-2: (22)] being distributed evenly all over the bottom surface. It should be noted that the limitation does make mention of the size of the dots, thus the reference clearly reads upon the limitation with respect to an even distribution all over the bottom surface. Such a configuration is a matter of design choice and is commonly known within the art.

16. Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (U.S. Patent 5408388).

17. With regards to Claim 16, Kobayashi discloses a planar illuminating device including:

- a light source [Figure 1: (3)];
- a light guide plate [Figure 1: (2)] having an incident surface [Figure 1: (2a)] facing the light source for receiving light;
- a light emitting surface [Figure 1: (21)] for emitting out the light;
- a continuous MxN array (# of columns/rows x 1) uniform, tapered prisms [Figure 1: (21)] including respective vertex portions formed on the light emitting surface; and
- a plurality of diffusion dots disposed on a bottom surface opposite to the emitting surface [Figures 1-2: (22)].

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18. With regards to Claim 17, Kobayashi discloses the diffusion dots [Figures 1-2: (22)] being more densely distributed on the bottom surface as a distance away from the incident surface increases [as portrayed in Figure 2 from one edge towards the middle].

19. With regards to Claim 18, Kobayashi discloses the prisms being evenly distributed all over the emitting surface [Figure 1: (21); Column 4, Lines 39-44].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (U.S. Patent 5408388) as applied to Claim 1 above, and further in view of Teragaki et al. (U.S. Patent 6123431).

Kobayashi discloses the claimed invention as cited above, but does not specifically teach the prisms being in the shape of a pyramid.

Teragaki teaches a light guide plate incorporating prisms in the shape of pyramids [Figures 21-25].

It is obvious that the prismatic surfaces of both Kobayashi and Teragaki are functionally equivalent and is considered a matter of design preference. Such prism surfaces made up of pyramids are also commonly known within the art.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (U.S. Patent 5408388) as applied to Claim 1 above.

Kobayashi discloses the claimed invention, but does not specifically teach in the embodiment of the rejection for Claim 1 a light guide plate in the shape of a wedge.

However, Kobayashi does teach a wedge shaped light guide plate [Figure 6: (7)], which are commonly known within the art.

It is obvious that the above limitation is a matter of design choice with respect to the shape of the light guide and optics.

22. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (U.S. Patent 5408388) as applied to Claim 9 above, and further in view of Teragaki et al. (U.S. Patent 6123431).

Kobayashi discloses the claimed invention as cited above, but does not specifically teach the prisms being in the shape of a pyramid.

Teragaki teaches a light guide plate incorporating prisms in the shape of pyramids [Figures 21-25].

It is obvious that the prismatic surfaces of both Kobayashi and Teragaki are functionally equivalent and is considered a matter of design preference. Such prism surfaces made up of pyramids are also commonly known within the art.

23. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (U.S. Patent 5408388) as applied to Claim 9 above.

Kobayashi discloses the claimed invention, but does not specifically teach in the embodiment of the rejection for Claim 1 a light guide plate in the shape of a wedge.

However, Kobayashi does teach a wedge shaped light guide plate [Figure 6: (7)], which are commonly known within the art.

It is obvious that the above limitation is a matter of design choice with respect to the shape of the light guide and optics.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (3/31/2005)


Stephen Husar
Primary Examiner